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ALEXANDER L. STEVAS,
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NO. 84-0315

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

LEONARD G. LEVERSON,

Appellant,

v.

WILLIAM H. CONWAY, COMMISSIONER, VERMONT DEPARTMENT OF MOTOR VEHICLES,

Appellee.

ON APPEAL FROM THE SUPREME COURT OF VERMONT

BRIEF IN OPPOSITION TO MOTION TO DISMISS OR AFFIRM

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Pro se

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ARGUMENT

THIS COURT HAS JURISDICTION UNDER 28 U.S.C. § 1257(2).

Appellee incorrectly states that "plaintiff did not expressly challenge

the constitutional propriety of any Vermont statutes." Motion to Dismiss or Affirm, at 5. The opinions and questions presented below (e.g., "Does Vermont's motor vehicle purchase and use tax, 32 V.S.A. §§ 8903, 8911, impermissibly favor in-state purchases of cars over out-of-state purchases of cars, in violation of the Commerce Clause?") belie this assertion. Jurisdictional Statement, 69a. Lest there be any doubt, appellant has asked for certification of the record. Appellant invites this Court's attention to pp. 3, 8-9, 18, and 43 of his Vermont Supreme Court brief.

"Where it appears from the opinion of the state court of last resort that a state statute was drawn in question, as repugnant to the Constitution, and

that the decision of the court was in favor of its validity, [this Court] ha[s] jurisdiction on appeal." Charleston Federal Savings & Loan Association v. Alderson, 324 U.S. 182, 185 (145). Appellant challenged a Vermont tax statute on federal grounds. The Vermont Supreme Court rejected his challenge. The claim that this Court lacks jurisdiction of this appeal is frivolous.

CONCLUSION

This Court should note probable jurisdiction of this appeal.

Respectfully submitted,

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